REMARKS

This Amendment is responsive to the Office Action mailed on November 17, 2007. Claim 1 is amended. Claims 1-4, 7-26, and 28-30 are pending.

Claims 1-4, 7, 8, 23-25, and 28 are rejected under 35 U.S.C. § 103(a) as being anticipated by Polkowski (US 743,658) in view of Nishikawa (US 4,250,620) and Hamann (US 434,595).

Claims 1-4, 7, 8, 16-26, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard (US 4,333,235) in view of Willard (US 5,168,629) and in further view of Nishikawa and Hamann.

Claims 9-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Polkowski or Howard in view of Rauh (US 2,078,585).

Claims 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Polkowski or Howard in view of Elia (US 2,370,026).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

The preamble of claim 1 is amended to clarify that the user's hand does not come into contact with the workpiece during cutting with the claimed run-through shears.

Claim 1 is further amended to specify that the first handle part and the second handle part each have an ergonomically shaped palm-abutment region.

Claim 1 is also amended to specify that the first handle part and the second handle part are respectively disposed in an angled manner relative to the shears head such that the first and second handle parts are disposed above the workpiece when the first and second handle parts are moved together and when the first and second handle parts are moved apart.

Applicant's invention as set forth in claim 1 is related to a run-through shears designed so that a user's hand is located at a distance from the workpiece during cutting. To achieve this goal, the first handle part and the second handle part are respectively disposed in an angled manner

relative to the shears head such that the first and second handle parts are disposed above the workpiece when the first and second handle parts are moved together and when the first and second handle parts are moved apart. Because of this arrangement of the handle parts in an angled manner relative to the shears head, more material is required for the portion between the respective handle parts and the shears head. Thus, for example, transition regions 52 and 70 are needed (see, e.g., Applicant's specification, page 11, line 23 and page 13, line 9). By manufacturing the handle parts and the shear-head limbs from a plastic material, the overall weight of the run-through shears can be minimized. This results in lighter run-through shears which are easier for an operator to use.

In addition, with Applicant's invention according to claim 1, the cutting blades are separately produced parts which are not involved in the formation of the rotary bearing. It is therefore possible to separate the cutting function from the mechanical function with regard to the mounting the handle-part/shears-head limb combinations on one another. This allows separate optimization. It is thus possible to produce the cutting plates from thin sheet-metal parts, which are sufficient in principle for the cutting action (see, e.g., Applicant's specification, page 2, lines 15-23).

Accordingly, with Applicant's claimed invention there is no need to provide a forged shears head (see, e.g., Applicant's specification, page 2, line 25).

Further, since the first handle part and the second part each both have an ergonomically shaped palm-abutment region, the run-through shears are easier to use since a user can exert higher forces. For example, such run-through shears can be used for cutting tin.

Also, with a compression spring disposed between the two handle-parts/shears-head limb combinations which opens the shears head in the non-loaded state, the run-through shears are easy to use. With the spring, the shears head is opened automatically if the user does not exert a force (see, e.g., Applicant's specification, page 8, lines 1-7).

Discussion of Rejections Based on Polkowski

In the Response to Arguments section of the Office Action, the Examiner indicates that

"there is nothing in the claims that limits any of the references used as being run through shears as it is generally known that any form of pivoting shear can be used as a run-though shear (Office Action, page 9, para. 6). Applicant respectfully submits that the Examiner has misinterpreted the term "run-through shears". Those skilled in the art will appreciate that a run-through shear is one in which a user's hand is located at a distance from and does not come into contact with the workpiece during the cutting action, even when the handle parts are moved relative to one another to effect the cutting.

The Examiner is incorrect in stating that any form of pivoting shears can be used as a run-through shear. For example, the shear disclosed in Polkowski is not a run-through shear. In use, the handle portion b2 of Polkowski will be below the workpiece and the handle portion a2 will be above the workpiece when the shears head is opened to start cutting. Therefore, when using the tailor's shears of Polkowski (when the blade is opened and closed by moving the handle sections a2 and b2 apart and back together repeatedly), the user's hand will come into contact with the workpiece.

Polkowski does not disclose or remotely suggest run-through shears having a first handle part and a second handle part which are respectively disposed in an angled manner relative to the shears head such that the first and second handle parts are disposed above the workpiece when the first and second handle parts are moved together and when the first and second handle parts are moved apart, as set forth in Applicant's amended claim 1.

In addition, Polkowski does not disclose or remotely suggest that each handle part has an ergonomically shaped palm-abutment region, as claimed by Applicant. Rather, in Polkowski, the handle portion a2 comprises a loop for a user's thumb and the handle portion b2 comprise finger holes, not palm-abutment regions as claimed by Applicant.

Further, Polkowski does not disclose or remotely suggest that the handle parts and the shears-head limbs are made from a plastics material, as acknowledged by the Examiner (Office Action, page 2). The Examiner relies on Nishikawa as disclosing shears with a plastic handle and plastic shears head in rejecting claim 1. Nishikawa discloses lightweight plastic safety scissors for cutting paper and not run-through shears as claimed by Applicant. Those skilled in the art

would appreciate that shears are used to cut much heavier material than scissors. Scissors are used for cutting paper and other lightweight material. Shears are generally used to cut heavy material, such as heavy fabric, tin, etc. Thus, there would have been no motivation for one skilled in the art to look to a reference such as Nishikawa which discloses lightweight plastic scissors for cutting paper when attempting to improve the design of run-through shears.

In addition, Polkowski does not disclose a compression spring disposed between the two handle-part/shears-head-limb combinations, which spring opens the shears head in a non-loaded state, as acknowledged by the Examiner (Office Action, page 2). The Examiner relies on Hamann as disclosing a compression spring between the handle members in rejecting Applicant's claim 1. Hamann discloses a pruning implement for pruning tree limbs and not run-through shears. Thus, there would have been no motivation for one skilled in the art to look to Hamman when attempting to improve the design of run-through shears.

Applicant respectfully submits that would have been no motivation for one skilled in the art to combine the disparate disclosures of Polkowski, Hamann, and Nishikawa. Polkowski discloses tailor's shears made of steel. Hamann discloses pruning shears for pruning tree limbs. Nishikawa discloses lightweight plastic scissors. Even if one skilled in the art were somehow motivated to combine the disparate disclosures of Polkowski, Hamann and Nishikawa, one skilled in the art would not arrive at the run-through shears set forth in Applicant's amended claim 1. In particular, combining Polkoski, Nishikawa, and Hamann would not lead one of ordinary skill in the art to run-though shears having: (1) a first handle part and a second handle part which are respectively disposed in an angled manner relative to the shears head such that the first and second handle parts are disposed above the workpiece when the first and second handle parts are moved together and when the first and second handle parts are moved apart; and (2) handle parts that each have an ergonomic palm-abutment region.

Only with hindsight gained impermissibly from Applicants' disclosure could one of ordinary skill in the art arrive at the conclusions reached by the Examiner.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Polkowski, taken alone or in combination with any of the other prior art of record.

Withdrawal of the rejections based on Polkowski under 35 U.S.C. § 103(a) is therefore respectfully requested.

Discussion of Rejections Based on Howard

Howard discloses cross-scissors/shears with upwardly offset handles so that both handles are above the material being cut (Abstract).

Howard does not disclose or remotely suggest that the first handle part and the second handle part each have an ergonomically shaped palm-abutment region. In Howard, one handle has a hole 18 for a user's thumb and the other handle has a hole 18 for a plurality of fingers of a user (Col. 1, line 67 through Col. 2, line 2). In contrast, each handle part of Applicant's claimed shears has an ergonomically shaped abutment region for a user's palm. With Applicant's claimed invention, for example, the user may grip the shears with a part of the palm near the thumb abutting the upper handle part and a part of the palm near the remaining fingers abutting the bottom handle part. It is not necessary to provide finger holes with Applicant's claimed invention, since once the shears are gripped in this manner, the compression spring serves to bias the shears against the user's palm. Further, greater force can be generated using the palm-type grip enabled by Applicant's claimed shears as opposed to shears having finger holes such as Howard.

Further, Howard does not disclose or remotely suggest that the handle parts and the shears-head limbs are made from a plastics material, as acknowledged by the Examiner (Office Action, page 4). The Examiner relies on Nishikawa as disclosing shears with a plastic handle and plastic shears head. As discussed above, Nishikawa discloses lightweight plastic safety scissors and not run-through shears, and there would have been no motivation for one skilled in the art to look to Nishikawa when attempting to improve the design of run-through shears.

In addition, Howard does not disclose or remotely suggest that a compression spring is disposed between the two handle-part/shears-head-limb combinations, said spring opening the shears head in a non-loaded state, as acknowledged by the Examiner (Office Action, page 4). The Examiner relies on Hamann as disclosing a compression spring between the handle members in rejecting Applicant's claim 1. Hamann discloses a pruning implement and not run-through shears. As discussed above, there would have been no motivation for one skilled in the art to look to Hamman when attempting to improve the design of run-through shears.

Still further, Howard does not disclose or remotely suggest that cutting blades are individual parts which a fixed on cutting-plate retain regions and are spaced away from the rotary bearing, as acknowledged by the Examiner (Office Action, page 4). The Examiner relies on Willard as disclosing individual cutting blade parts. Applicant respectfully submits that Willard does not disclose run-through shears. Rather, Willard discloses scissors having a first handle designed to abut a user's palm and a second handle designed to abut a user's thumb, with the first handle formed as a container for another tool, such as a screwdriver or pliers. The handles are not angled with respect to the shears head as claimed by Applicant. Applicant respectfully submits that there would have been no motivation for one skilled in the art to look to Willard when attempting to improve the design of run-through shears.

Applicant respectfully submits that would have been no motivation for one skilled in the art to combine the disparate disclosures of Howard, Willard, Hamann, and Nishikawa. Howard discloses cross-scissors or shears. Hamann discloses pruning shears for pruning tree limbs. Nishikawa discloses lightweight plastic scissors. Willard discloses a pair of scissors with one handle formed as a container for another tool. Even if one skilled in the art were somehow motivated to combine the disparate disclosures of Polkowski, Willard, Hamann and Nishikawa, one skilled in the art would not arrive at the run-through shears set forth in Applicant's amended claim 1. In particular, combining Polkoski, Willard, Nishikawa, and Hamann would not lead one of ordinary skill in the art to run-though shears having (1) a first handle part and a second handle part which are respectively disposed in an angled manner relative to the shears head such that the first and second handle parts are disposed above the workpiece when the first and second handle

parts are moved together and when the first and second handle parts are moved apart; and (2) handle parts that each have an ergonomic palm-abutment region.

Only with hindsight gained impermissibly from Applicants' disclosure could one of ordinary skill in the art arrive at the conclusions reached by the Examiner.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Howard, taken alone or in combination with Willard or any of the other prior art of record.

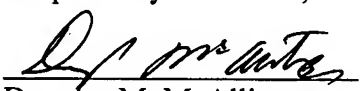
Withdrawal of the rejections based on Howard under 35 U.S.C. § 103(a) is therefore respectfully requested.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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